

Division (X-56, Room 6401),  
Department of Transportation, 400  
Seventh Street, SW., Washington, DC  
20590, (202) 366-5347.

Dated: April 19, 2000.

**Robert S. Goldner,**

*Acting Deputy Assistant Secretary for  
Aviation and International Affairs.*

[FR Doc. 00-10244 Filed 4-24-00; 8:45 am]

BILLING CODE 4910-62-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. 29088]

#### Airport Privatization Pilot Program

**AGENCY:** Federal Aviation  
Administration (FAA) DOT.

**ACTION:** Available of record of decision  
for the participation of Stewart  
International Airport, Newburg, New  
York, in the airport privatization pilot  
program.

**SUMMARY:** The Federal Aviation  
Administration (FAA) has approved the  
final application by the State of New  
York for Stewart International Airport  
(SWF) as one of the five airports eligible  
to participate in the airport privatization  
pilot program. An exemption is issued  
from certain provisions of 49 U.S.C.  
section 47134(b).

49 U.S.C. section 47134 establishes an  
airport privatization pilot program and  
authorizes the Department of  
Transportation to grant exemptions from  
certain Federal statutory and regulatory  
requirements for up to five airport  
privatization projects. The application  
procedures require the FAA to approve  
the final application and issue an  
exemption under 49 U.S.C. section  
47134 after the execution of all  
documents necessary to fulfill the  
requirements of section 47134 and other  
laws and regulation within the FAA's  
jurisdiction.

**DATES:** The FAA Record of Decision was  
signed on March 31, 2000. The New  
York State Department of  
Transportation transferred Stewart  
International Airport to SWF Airport  
Acquisition, Inc. under a 99 year lease  
agreement on April 1, 2000.

**ADDRESSES:** The Record of Decision is  
available for public review in the  
Federal Aviation Administration, Office  
of Chief Counsel, Attention: Rules  
Docket (AGC-200), Docket No. 29088,  
800 Independence Avenue SW.,  
Washington, DC 20691.

**FOR FURTHER INFORMATION CONTACT:**  
Kevin C. Willis, Compliance Specialist  
(AAS-400), (202-267-8741) Airport

Compliance Division, Office of Airport  
Safety and Standards, Federal Aviation  
Administration, 800 Independence Ave.  
SW., Washington, DC 20591.

#### SUPPLEMENTARY INFORMATION:

##### Introduction and Background

Section 149 of the Federal Aviation  
Administration Authorization Act of  
1996, Pub. L. No. 104-264 (October 9,  
1996) (1996 Reauthorization Act) added  
a new section § 47134 to Title 49 of the  
U.S. Code. Section 47134 authorizes the  
Secretary of Transportation, and  
through delegation, the FAA  
Administrator, to exempt a sponsor of a  
public use airport that has received  
Federal assistance from certain Federal  
requirements in connection with the  
privatization of the airport by sale or  
lease to a private party. Specifically, the  
Administrator may exempt the sponsor  
from all or part of the requirements to  
use airport revenues for airport-related  
purposes (upon approval of 65 percent  
of the air carriers serving the airport and  
having 65 percent of the landed weight),  
to pay back a portion of Federal grants  
upon the sale of an airport, and to return  
airport property deeded by the Federal  
Government upon transfer of the airport.  
The Administrator is also authorized to  
exempt the private purchaser or lessee  
from the requirement to use all airport  
revenues for airport-related purposes, to  
the extent necessary to permit the  
purchaser or lessee to earn  
compensation from the operations of the  
airport. (No air carrier approval is  
necessary for the latter exemption.)

On September 16, 1997, the FAA  
issued a notice of procedures to be used  
in applications for exemption under the  
Airport Privatization Pilot Program (62  
FR 48693). The notice of procedures and  
its public comments are available for  
review in FAA Rules Docket No. 28895.

On December 16, 1997, the FAA  
issued a notice accepting for review the  
Stewart International Airport  
preliminary application (62 FR 65845,  
Docket Number 29088). This action  
permitted NYSDOT to select a private  
operator, negotiate an agreement, and  
submit a final application to the FAA  
for exemption. The filing date of the  
NYSDOT preliminary application was  
October 23, 1997, the date the FAA  
received the preliminary application.  
On January 10, 1999, NYSDOT filed its  
final application for the privatization of  
SWF. The final application provides for  
a 99-year lease agreement between  
NYSDOT and Stewart Airport  
Acquisition, Inc. (SWFAA) a wholly  
owned subsidiary of National Express  
Group. In return for the right to lease the  
airport, National Express Group (NEG)  
and its subsidiary will pay NYSDOT a

\$35 million payment and beginning in  
the tenth year of the agreement provide  
annual payments totaling five percent of  
gross airport income. As a part of its  
proposal SWFAA proposes a \$48.6  
million capital improvement program  
over the initial five-year period with a  
proposed rate of return ranging between  
3% and 35% on the private operator's  
contribution. SWFAA will provide  
marketing support and all management,  
administrative and operational  
personnel to operate the airport.

On February 16, 1999, in an effort to  
clarify certain parts of the application,  
FAA staff requested responses to 5  
questions from the NYSDOT and to 12  
questions from NEG. Ten of the  
questions posed to the private operator  
required it to utilize confidential  
business or financial information in  
order to respond. In accordance with the  
airport privatization pilot program  
application procedures, (62 FR 48693,  
48706, September 16, 1997), NEG  
requested confidential treatment of this  
information. As a result, the responses  
to these 10 questions were not available  
for public comment. Copies of the 17  
questions and the 7 responses available  
for public view and comment are  
included in Attachment 15 of the  
sponsor's final application for review.

After reviewing this information, the  
FAA determined that the application  
was substantially complete.

On April 8, 1999, the Federal  
Aviation Administration published in  
the **Federal Register** a Notice of Receipt  
of Final Application of Stewart  
International Airport, Newburgh, New  
York; Request for Comments under the  
Airport Privatization Pilot Program (64  
FR 17208). The notice made known the  
availability of the final application for  
Stewart International Airport for public  
comment and review. Comments were  
originally requested for submittal by  
June 7, 1999. The comment period was  
later extended to June 28, 1999,  
following a public meeting held on June  
12, 1999, at the request of several  
members of Congress to allow the FAA  
to receive testimony from the local  
community and elected officials. The  
FAA also solicited and received  
comments at the public meeting held on  
June 12, 1999. Verbatim transcripts of  
the meeting have been included in the  
docket of this proceeding.

The Agency received 96 comments in  
response to the notice. The FAA  
response to the comments received is  
incorporated in the Record of Decision.

On March 30, the FAA signed a  
Record of Decision approving the  
participation of the airport in the Pilot  
Program, and issued an Airport

Operating Certificate under 14 CFR part 139 to SWF Airport Acquisition, Inc.

Issued in Washington, DC on April 17, 2000.

**David L. Bennett,**

*Director, Office of Airport Safety and Standards.*

[FR Doc. 00-10219 Filed 4-24-00; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Supplemental Environmental Impact Statement on the Buffalo Inner Harbor Project, New York

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of Intent to prepare a Supplemental Environmental Impact Statement.

**SUMMARY:** The Federal Transit Administration (FTA) is issuing this notice to advise the public and interested agencies that a Supplemental Environmental Impact Statement (SEIS) will be prepared by the FTA and the Niagara Frontier Transportation Authority (NFTA) on the Buffalo Inner Harbor Project. This Supplemental EIS is in response to a court order and is limited in scope to the issue of historic preservation. The SEIS will address events and information that became available subsequent to the final EIS (FEIS), which was issued February 12, 1999.

The Preservation Coalition filed a civil action on October 6, 1999, in the United States District Court for the Western District of New York under civil action number 99-CV-745S against FTA, NFTA, the New York State Thruway Authority, Empire State Development Corporation (ESDC), and the New York State Office of Parks, Recreation, and Historic Preservation. ESDC is the project sponsor. The Preservation Coalition challenged the Buffalo Inner Harbor Project on environmental and historic preservation grounds. On March 31, 2000, District Court Judge William M. Skretny ordered that a SEIS be prepared to consider the information learned during archaeological investigations conducted after the FEIS.

**DATES:** The court established a compressed timetable for completion of a draft and final SEIS. A draft SEIS will be prepared by May 10, 2000. Public comments will be solicited, and a public hearing will be held, on the SEIS between May 20, 2000, and May 31, 2000. A final SEIS will be prepared by

June 30, 2000. FTA will issue a supplemental Record of Decision (ROD) by July 10, 2000.

**ADDRESSES:** Correspondence requesting notification of the availability of the draft SEIS and the public hearing date and location, or commenting on the draft SEIS should be addressed to Vito Sportelli, NFTA, 181 Ellicott Street; Buffalo, New York 14203.

**FOR FURTHER INFORMATION CONTACT:**

Anthony G. Carr, FTA Region II, One Bowling Green, Room 429; New York, New York 10004. Telephone (212) 668-2170.

**SUPPLEMENTARY INFORMATION:** The Buffalo Inner Harbor Project involves reconfiguring a segment of the Buffalo Inner Harbor shoreline into three areas to accommodate a commercial harbor basin with three piers, a working canal slip and a naval vessel basin. The Project also involves intermodal transportation components, including the construction of a public esplanade to provide a continuous transportation link and public access to the waterfront, connection of existing pedestrian and bicycle path systems and provision of opportunities for private development.

The State Historic Preservation Officer (SHPO) opined in June 1998 that the Buffalo Inner Harbor Project would have no adverse effect on cultural resources in or eligible for inclusion on the National Register of Historic Places. SHPO also called for a Stage III archaeological excavation of the Commercial Slip. The Commercial Slip is a former slip that connected the Erie Canal with the Buffalo River. It was filled in 1926 and is presently used as a right-of-way for the Hamburg Drain. During the Stage III excavation remains of the Commercial Slip wall were discovered, and as a result, the SHPO determined in June 1999 that the Commercial Slip wall met the criteria for inclusion in the National Register, and subsequently, the SHPO determined that exposure and public display of the Commercial Slip wall is not feasible and that the wall should be covered over as a means of preservation.

The court ordered that the SEIS must address and discuss events that occurred and information that became available subsequent to the final EIS which will affect environmental issues in a significant manner or to a significant extent not already considered in the final EIS. Specifically, the SEIS will discuss: (a) Applicability of the "archaeology exception" to the Commercial Slip wall, and to other existing historic resources, if any, at the Inner Harbor Project site; (b) Whether the Commercial Slip wall must be

buried in order to protect it from the elements; (c) Whether rehabilitation, restoration or reconfiguration of the Commercial Slip wall is a reasonable and prudent alternative to burying the wall; and (d) Whether any resources at the Inner Harbor project site, other than Commercial Slip, are eligible for inclusion in the National Register, either individually or collectively. The SEIS will also address and discuss whether proposals submitted by the Preservation Coalition, and/or by other entities or individuals for the rehabilitation, restoration or reconfiguration, and/or utilization of the Commercial Slip wall, in the plan for the Inner Harbor Project, are reasonable and prudent.

Issued on: April 20, 2000.

**Letitia Thompson,**

*Regional Administrator, Federal Transit Administration, Region II.*

[FR Doc. 00-10297 Filed 4-24-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-7125, Notice 1]

#### General Motors Corp.; Receipt of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 "Motor Vehicle Safety" for a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, "Seat Belt Assemblies," on the basis that the noncompliance is inconsequential to motor vehicle safety. GM has filed a report of a noncompliance pursuant to 49 CFR part 573 "Defects and Noncompliance Reports."

This notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

#### Description of Noncompliance

GM has determined that the driver safety belt assembly in some GM S/T pickup trucks and sport utility vehicles does not meet the requirements of S4.3(j)(1) of FMVSS 209. The vehicles involved are model year 1999 and 2000 versions of the Chevrolet S-10 and GMC Sonoma pickups and the Chevrolet Blazer/Trail Blazer, GMC Jimmy/Envoy, and Oldsmobile Bravada utility vehicles. Some of these trucks were built with a driver safety belt emergency